

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MARK HAYASHI,

Plaintiff,

vs.

TRAVELERS PROPERTY AND
CASUALTY COMPANY OF
AMERICA,

Defendant.

CV 23-92-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge Timothy Cavan filed Findings and Recommendations on November 3, 2023. (Doc. 45). The Magistrate recommended that Plaintiff Mark Hayashi's Motion to Remand be denied on the grounds that the Court has diversity jurisdiction under 28 U.S.C. §§ 1332(a) and 1441. (*Id.*).


Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 45) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff Mark Hayashi’s Motion to Remand (Doc. 9) is DENIED.

DATED this 20th day of November, 2023.


SUSAN P. WATTERS
United States District Judge